



Introduction to the USPTO

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Introduction to the USPTO

- Alexandria Campus
- USPTO Organizational Chart
- Application Flow
 - Office of Initial Patent Examination (OIPE) to Office of Patent Publication (PUBS)
- Electronic filing with EFS Web
- Search and Examination
- Role of the Supervisory Patent Examiner (SPE)
- Examiner's Performance Appraisal Plan (PAP) and Rating



Introduction to the USPTO

"A country without a patent office is just a crab, and couldn't travel any way but sideways or backwards"

- Mark Twain



Introduction to the USPTO

- The campus in Alexandria, VA
- Five main buildings
 - Madison
 - Jefferson
 - Remsen
 - Knox
 - Randolph
- South Tower – Crystal City
 - OIPE
 - PUBS
 - PCT



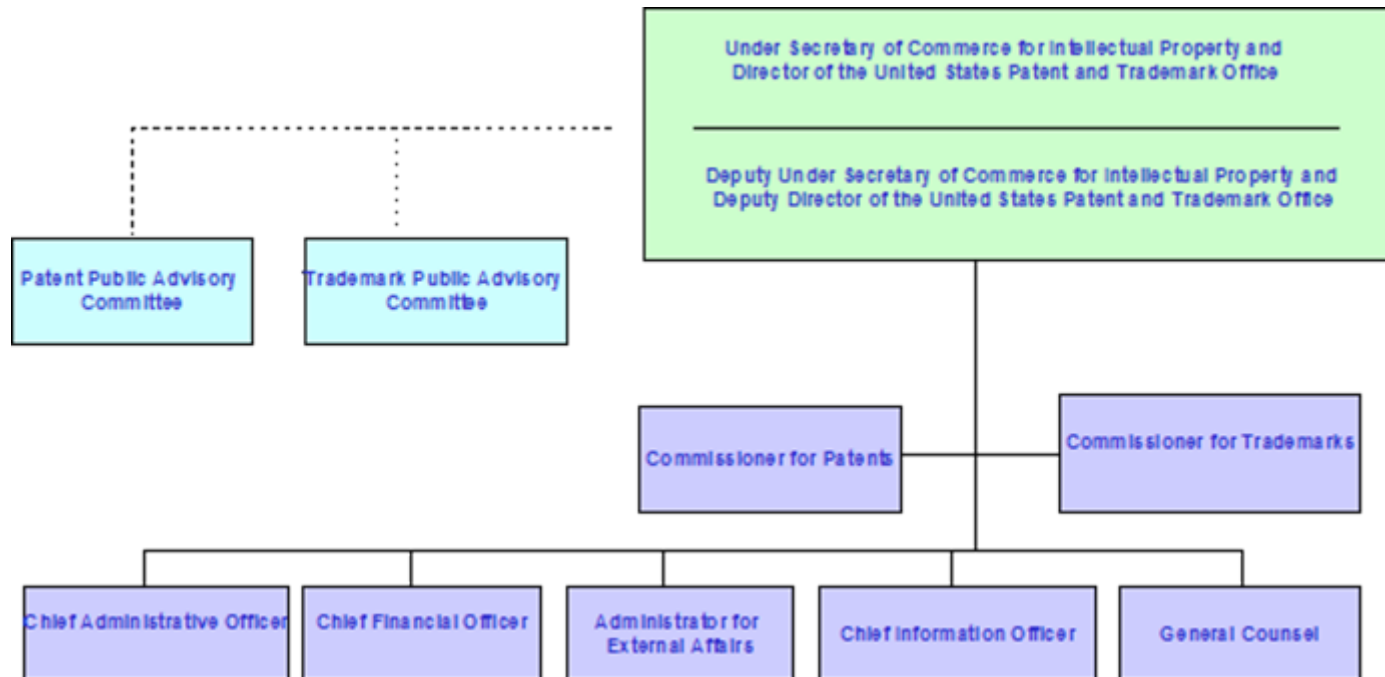








USPTO Organizational Structure





Commissioner for Patents

- **Commissioner for Patents – John Doll**
 - **Deputy Commissioner for Patent Examination Policy – John Love**
 - International Liaison Staff
 - Manual of Patent Examining Procedures Staff
 - Office of Patent Legal Administration
 - Office of PCT Legal Administration
 - Inventor Assistance Center
 - PCT Legal Affairs
 - PCT Special Programs
 - Office of Petitions
 - **Deputy Commissioner for Patent Operations – Margaret Focarino**
 - Patent Examining Groups (Technology Centers)
 - Design Patents
 - Plant Patents
 - Office of Patent Publication
 - **Deputy Commissioner for Patent Resources and Planning - Vacant**
 - Office of Patent Planning and Capacity Analysis
 - Office of Patent Resource Administration
 - Office of Search and Information Resources Administration
 - Office of Patent Automation
 - Office of Patent Classification
 - Scientific and Technical Information Center



Application Flow

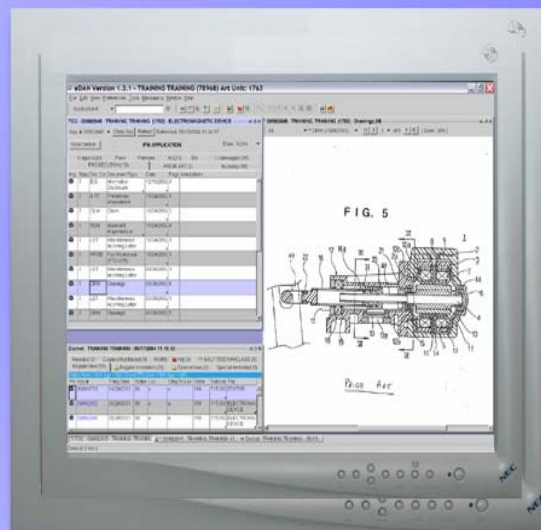
- Application flow from OIPE through PUBS
- Paper world versus electronic world



Application Flow

Paper File Wrapper

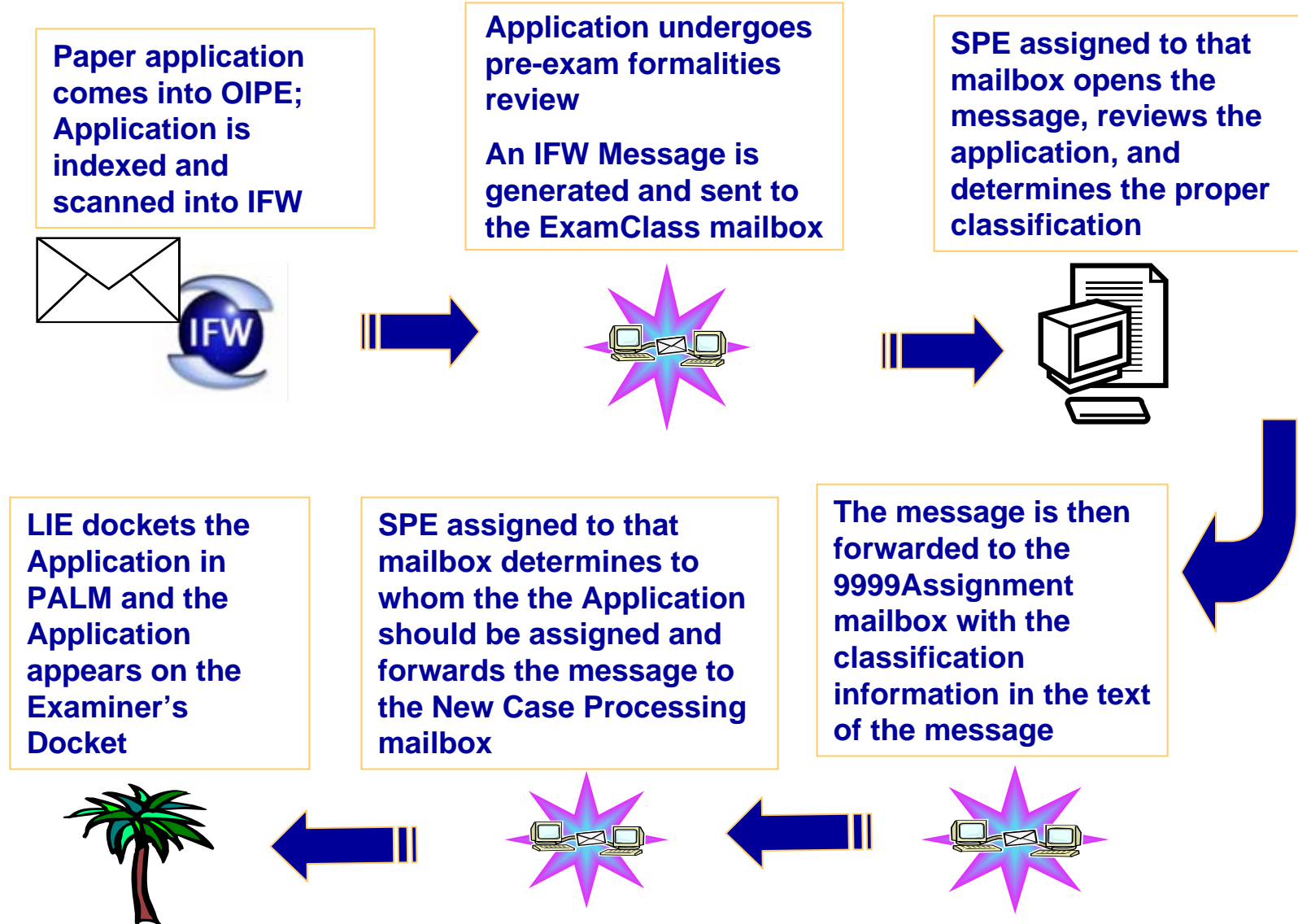
Image File Wrapper



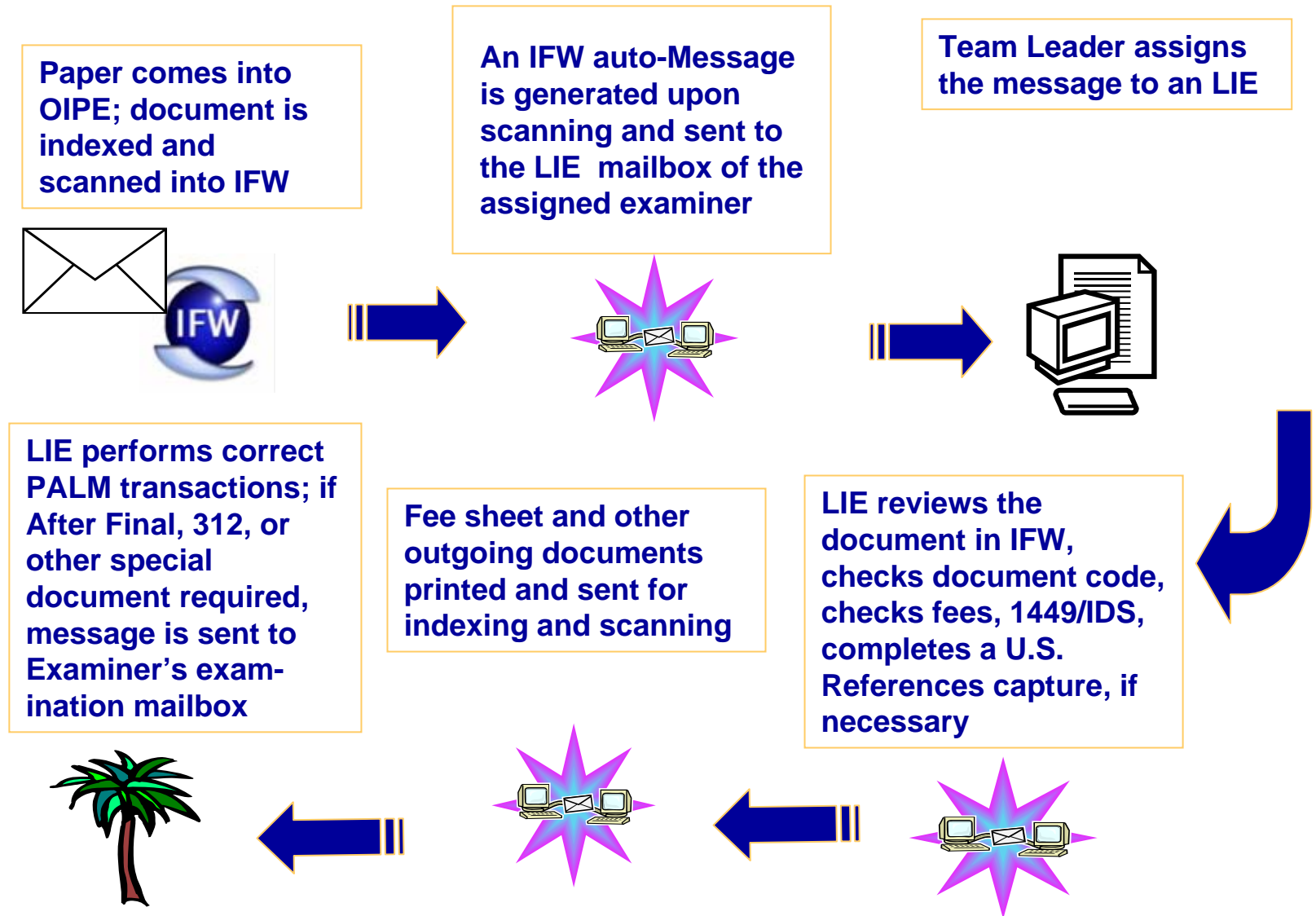
Paper File Room

Desktop Electronic File

Process: Newly Filed Application From OIPE to the Technology Centers



Process: Follow-On Paper From OIPE to the Technology Centers



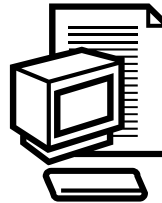
Process: Examination

Examiner selects application from PALM docket in eDAN

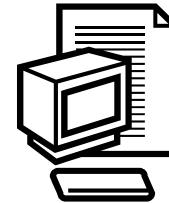


Date	Code	Stat	App #	Center	Team	Text
04/01/2003	ACHOC	ES	88/125,456	DTALBOTT	2022ExamClass	174 for classification
04/28/2003	ACHOC	ES	88/125,456	LOHNU	OPESisanning	New application for
05/02/2003	CLMP10	ES	88/024,387	CONPHEVE	2022ExamClass	174 please classify
05/02/2003	ACHOC	ES	88/024,387	CONPHEVE	2022ExamClass	It looks like your first

Examiner reviews application, formulates search strategy, and performs prior art search



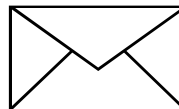
Examiner reviews prior art, applies art to application, and authors office action



Office action is indexed and scanned into IFW



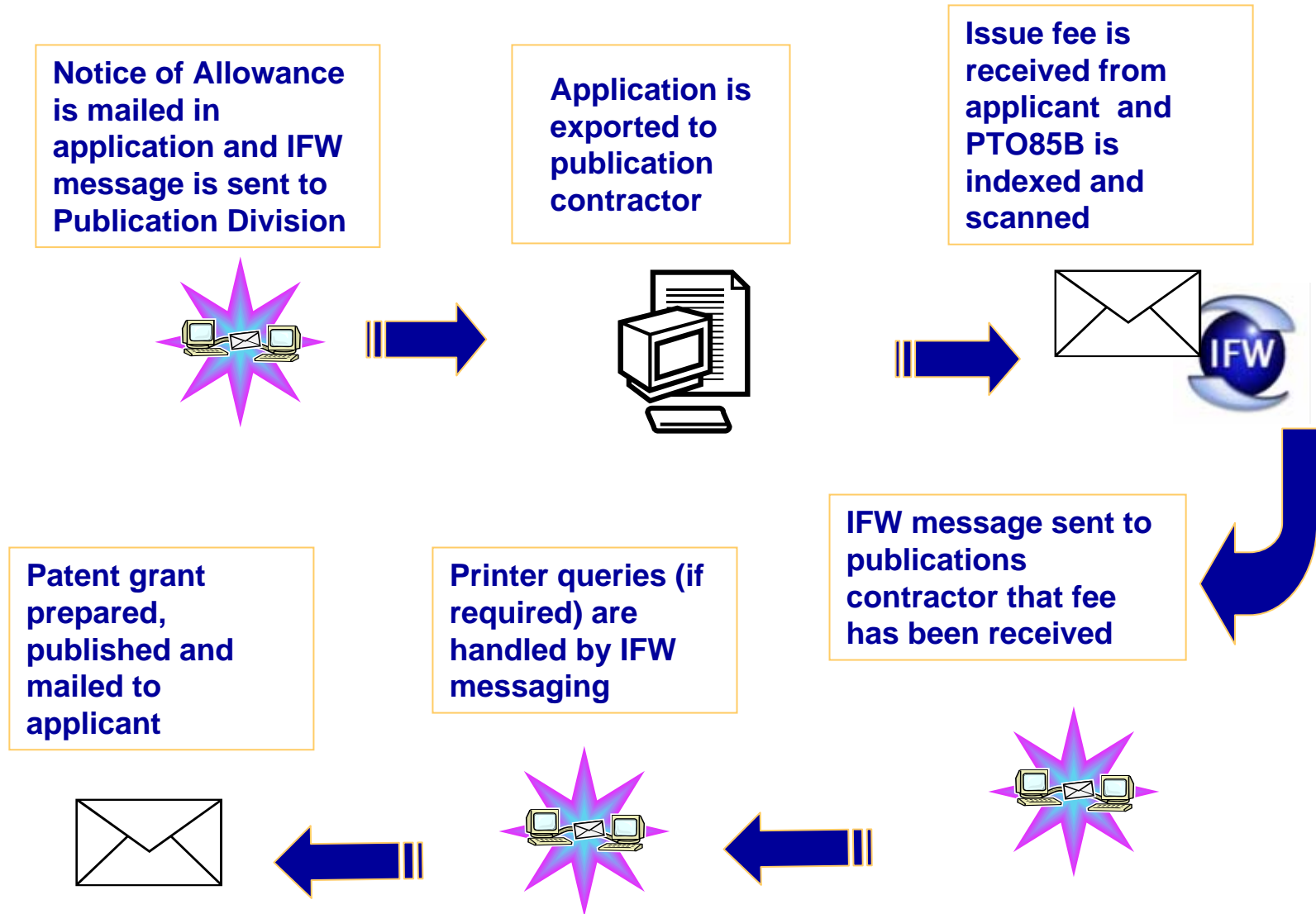
Office action is forwarded to mailing contractor and mailed to applicant



Office action is forwarded for review and signature (if necessary) then routed to TSS for recording in PALM



Process: Post Examination





Electronic Filing

- EFS Web Overview



EFS-Web Benefits



- **Improved Quality and Timeliness**
 - **Speeds filing process by eliminating paper and delays caused by manual handling**
 - **Provides immediate Acknowledgement Receipt for Customers and dramatically improves ability of practitioners to track status of applications through PAIR**
- **Automatic integration with USPTO internal systems**
- **Ability to file anytime and anywhere with an Internet connection**
- **Facilitates collaboration and workflow management**
- **Safe, simple, and secure**



EFS-Web Functionality



- **Online submission of:**
 - PDF files of patent applications and documents
 - ASCII text files
- **Verifies and validates PDF files and data before submission**
- **Online payment of patent application and document filing fees**
- **Allows application to be saved and submitted later**
- **Provides a valid acknowledgement receipt that is equivalent to the postcard receipt**



What Can Be Filed?



■ New Applications

- New Utility; Provisional; Design with Color Drawings; 371 National Stage
- International applications for filing in the U.S. Receiving Office

■ Existing Applications

- Follow-on papers
- Pre-Grant Publication Requests under 37 CFR 1.211-1.221
- Petition to Accept Unintentionally Delayed Payment of Maintenance Fees in an Expired Patent (37 CFR 1.378 (c))
- Request for Continued Examination (RCE)

■ Document Description List

- Nearly 200 document descriptions – Amendments, Petitions, Application Data Sheet, Information Disclosure Statement, PCT, Non-Patent Literature, Foreign References Cited, PG-Pubs, Board of Appeals documents, etc

■ Numerous Fees

- Almost the complete Patent Fee Schedule



What Cannot be Filed Using EFS-Web?



- Credit Card Authorization Form - PTO-2038
- Assignments
- Maintenance Fees
- Certified Copies (Ribbon Copies)
- Secrecy Order Applications and/or Documents
- New Plant Applications or Color Plant Drawings
- Documents related to Registration Practice and Disciplinary Proceedings
- Reexamination and Reissue (this includes new and follow-on papers)
- Contested Cases at the Board of Appeal and Interferences
- Protests under 37 CFR 1.291
- Third party papers under 37 CFR 1.99
- Public use hearing papers under 37 CFR 1.292





EFS-Web Enhancements



- **EFS-Web 1.1 released October 14, 2006**
 - **Text files**
 - **Sequence listings**
 - **Mega tables**
 - **Computer listings**
 - **“Auto-Grant” Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))**
 - **International application for filing in the US receiving office (PCT)**



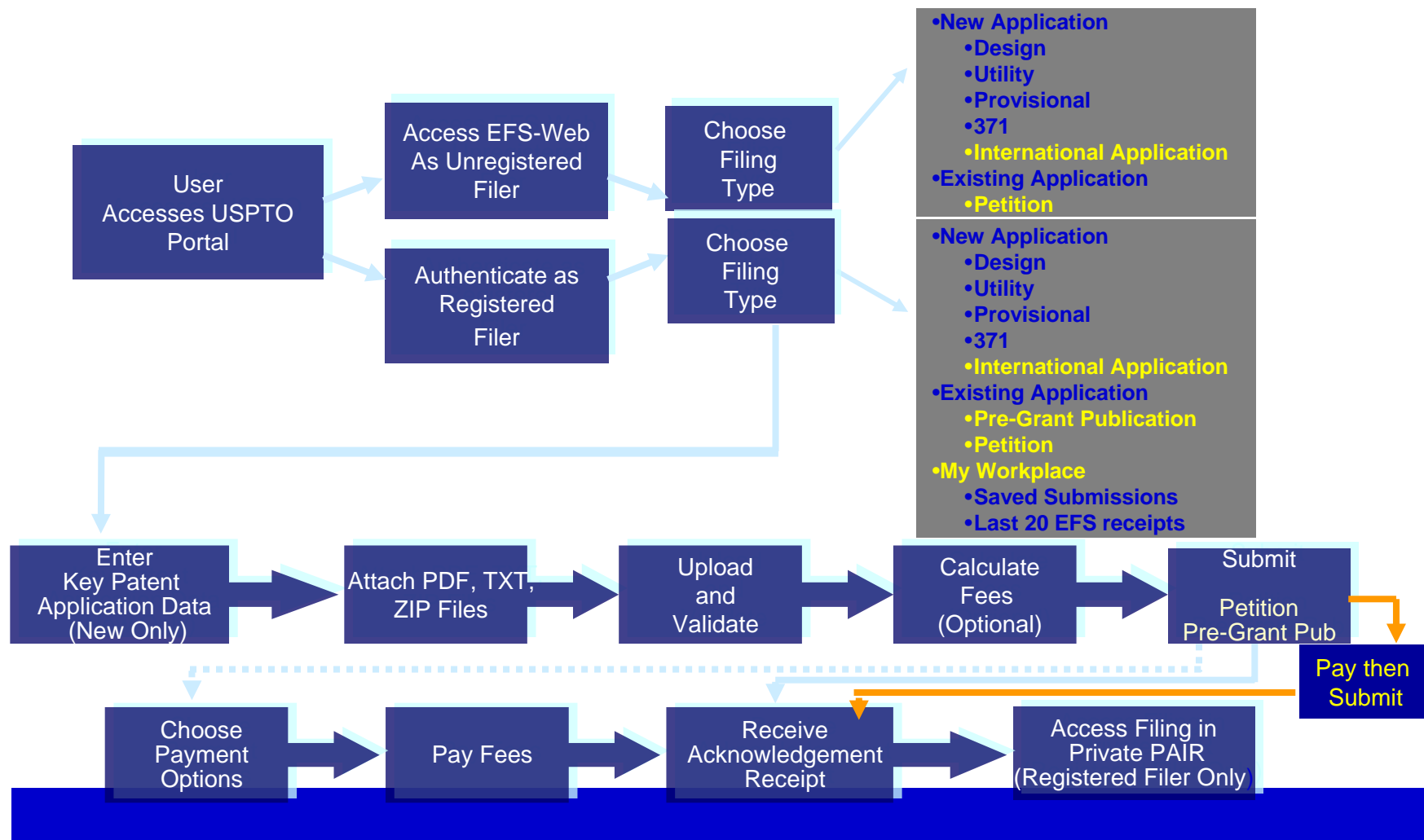
Future EFS-Web Enhancements

Requested enhancements:

- Integration with document management systems
- Integration with assignments
- Fillable issue fee forms
- Fillable petition forms
- Automated provisional cover sheets
- Dual payment options (e.g., pay with credit card and allow for charges to deposit account on one screen)
- Additional copies of patents
- Dual Customer Number
- Admin PKI



How EFS-Web Works





Search and Examination Process

- Classification Search
- Text Search
- Sequence Search
- Examiner's Search Tools
 - EAST
 - WEST
 - NPL
 - Foreign patents



Search and Examination Process

- New Case Docket
- Amended Case docket
- Specials
- Timeframes – PAP driven



Supervisory Patent Examiners

- SPEs:
 - Manage an “art unit” of typically 13 –20 examiners
 - Skill level from junior to senior examiners
 - Responsible for the quality, productivity and timeliness of the examiners’ work
 - Manage personnel issues – conduct and performance
 - Work on special projects for the Technology Center and/or Corps



SPE Management Awards

- SPE Award Components
 - PAP rating
 - Quality (reopening rate)
 - 4-month amended cases and BPAI decisions
 - Leadership activities and initiatives
 - Productivity
 - Movement of New Applications (New Date Case Goals)



Examiner PAP and Rating

- Examiner's Performance Appraisal Plan (PAP)
 - Quality (dependent on grade level)
 - Patent Examining Functions
 - Action Taking
 - Patentability Determination
 - Productivity
 - Timeliness
 - Two month amendments
 - After final amendments
 - Specials
 - Customer Service



Examiner PAP and Rating

- Examiners range from GS-5 to GS-14 (or GS-15)
- As examiners are promoted through the structure:
 - Productivity increases
 - Independently responsible for more quality elements
 - Less oversight by the SPE/primary examiner
- Full and Partial Signatory Authority
- New examiner probationary addendum
- Federal Career Intern Program (FCIP)



Examiner PAP and Rating

- SPEs rate their examiners at the end of each FY
 - Outstanding
 - Commendable
 - Fully Successful
 - Marginal
 - Unacceptable
- Measures for each element in the examiner PAP



Quality Assurance

- Office of Patent Quality Assurance (OPQA) role
- Reopening rate
 - Corps target is 4%
- In-process Review Rate (IPR)
 - By Technology Center



What Do We Measure?

- **Production** – Overall output (number of applications processed)
- **Productivity** – The measure of an examiner's production during a given period of time
 - Varies by technology - complex areas get more time
- **Quality** – Compliance with statutes, regulations & practice
 - Reviewed throughout the process
- **Timeliness**
 - How long before an application is examined?
 - How long before an application completes all processing?



Why Do We Measure?

- USPTO is a performance-based organization
- Standards are precise
- Quality is critical
- Production is important
- Timeliness (turn-around time) is key

